To: Dwyer, Stacey[Dwyer.Stacey@epa.gov]; Wooster, Richard[Wooster.Richard@epa.gov]
Cc: Gillespie, David[Gillespie.David@epa.gov]; Ryland, Renea[Ryland.Renea@epa.gov]; Alvarado, Tina[Alvarado.Tina@epa.gov]
From: Shaikh, Taimur
Sent: Wed 1/17/2018 6:55:21 PM
Subject: FW: LOOP - NPDES NEPA compliance

FYI.

Taimur A. Shaikh, Ph.D.

Acting Section Chief | NPDES Management Section (6WQ-PO)

Home Section | Assessment, Listing, and TMDL Section (6WQ-PT)

Water Division | EPA Region 6

From: Alvarado, Tina
Sent: Wednesday, January 17, 2018 12:46 PM
To: Shaikh, Taimur <Shaikh.Taimur@epa.gov>
Cc: Lawrence, Rob <Lawrence.Rob@epa.gov>
Subject: LOOP - NPDES NEPA compliance

Hi Taim –

Based on our conversation is my understanding that:

1) We do not have anything in our files regarding NEPA review other than an EA that was prepared by LOOP in Sept 2017 for the Coast Guard's amendment of the manual and the new piping that is now in place.

2) This 2017 EA <u>did not</u> cover the outfalls to federal waters that are existing or proposed.

3) There is nothing else in our records to indicate that a prior NEPA evaluation was completed for the federal discharges – including a discussion on why NEPA compliance was or was not necessary.

4) It is possible that the 1976 EIS covered some discharges, but that is TBD.

The DWPA defines a deepwater port as "a new source for purposes of the CWA" (see 33 USCS § 1502 (9)), and because we must complete NEPA review for all new sources, we therefore must complete some NEPA review prior to issuance of the final permit. It's likely that we can rely on an EA/FONSI, but the drafting and timing of it all needs to be discussed internally and with LOOP. Unfortunately, none of the other federal agencies need to comply with NEPA, so we are going solo on this one.

Let's discuss further once we review the 1976 EIS.

Tina